

REMARKS

In an Office Action dated April 29, 2009, Examiner Douyon requested that the Applicant affirm the provisional election made without traverse to prosecute the invention of Group I, Claims 1–15, 18–19, and 25–26. The provisional election is hereby affirmed.

The Examiner also objected to Claims 1–15, 18–19, and 25–26 because in each of these claims, the term “characterized” is misspelled and in Claims 1 and 18 the term “stabilizing” is misspelled. These claims have been amended accordingly.

Furthermore, the Examiner rejected Claims 1–5, 10, 13–15, and 25–26 under 35 U.S.C. § 102(e) as being anticipated by Bone et al. (U.S. Pat. No. 7,083,047, hereinafter “Bone”). The Examiner also rejected Claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Bone. Claims 1–11, 13–15, 18–19, and 25–26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith et al. (U.S. 2002/0142930, hereinafter “Smith”). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith further in view of MacQueen et al. (U.S. Pat. No. 6,268,466, hereinafter “MacQueen”). Reconsideration of these rejections is requested because, for the reasons stated below, Bone does not disclose all of the elements of Applicant’s claimed invention and neither does Smith or Smith in combination with MacQueen.

Bone’s Liquid Composition Contains Water and Is Not a True Non-Aqueous Composition; It Also Does Not Include a Gelling Agent or an Emulsifying Agent for the Mineral Oil

Bone discloses a water soluble package that allows the package to remain intact during a wash cycle but which releases its package contents during a rinse cycle. See col. 4, ll. 50–63. The breakdown of the water soluble package is dependent on the concentration of washing detergent present in the wash liquor (*i.e.*, surrounding the external surface of the water soluble package). *Id.* Although Bone describes the composition within the soluble sachet as being a “substantially non-

aqueous liquid product (Col. 12, ll. 62–65), this term is defined at column 13, lines 15–21, as still containing water (“the level of water or other aqueous components in the rinse conditioner composition is less than 20% by weight . . . and most preferably 10%”).

Although the Examiner considers the “22.8% dihardened tallow dimethyl ammonium chloride” as reading onto the aqueous sensitive component, there is no teaching or suggestion in Bone that states the compound is aqueous sensitive. More importantly, Bone discloses its use in combination with the presence of water (see col. 13, ll. 33–37). Therefore, it cannot be a water sensitive or hydrolytic unstable component as in the present invention. It is well known in the art that once an aqueous sensitive component is activated, the component would breakdown the aqueous sensitive device surround and destroy the product. For the reasons given above and contrary to the Examiner’s suggestion, the hexylene glycol is also not an aqueous sensitive agent within the definition of the present invention (and the mineral oil is not acting to stabilize it).

Bone simply does not disclose, teach or suggest an aqueous sensitive component within the context of the present application. The composition of the present invention is a true non-aqueous composition. The presence of any water in the composition of the present invention would result in activation of the aqueous sensitive component and break down of the aqueous sensitive device during storage, thereby destroying or significantly compromising the product prior to use.

Furthermore, Bone does not disclose or suggest the use of a gelling agent to form a gel as in the present invention because Bone’s composition is a liquid composition. See col. 12, ll. 62–65. Bone does disclose the use of sucrose ercuate but there is no teaching or suggestion that it is to be used as a gelling agent to ensure the composition is in the form of a gel. The provision of the gel in the present invention ensures the aqueous sensitive component is maintained in a suspended state for

a prolonged period of time and cannot easily precipitate out and contact the aqueous sensitive device.

Contrary to the Examiner's suggestion, Bone's sucrose ercuate cannot be used as gel as because Bone discloses the composition is a liquid, not a gel (col. 12, ll. 62–65) and includes short chain alcohols to lower the viscosity of the composition (the opposite of present invention). See col. 19, ll. 23–26.

There is also no teaching or suggestion in Bone to an emulsifying agent with the purpose of emulsifying a mineral oil or to the mineral oil acting to stabilize the aqueous sensitive component in the composition prior to use. Bone discloses the presence of a mineral oil in the composition but states that it provides perfume delivery (col. 19, ll. 11–13) and does not provide stability to the aqueous-sensitive component. Therefore, contrary to the Examiner's suggestion, the mineral oil in Bone is not acting as a non-aqueous carrier agent for the aqueous sensitive agent as in the present invention. The Examiner considers that a secondary alkyl alcohol reads onto the emulsifying agent but the purpose of this is not to emulsify the mineral oil as in the present invention. Last, in the examples given by Bone for the composition at column 30, lines 40–66, neither composition teaches or suggests the combination of a mineral oil and a gelling agent as in the present invention.

Bone's composition simply does not, and would not, work like the Applicant's composition. Bone is directed to altering the composition of the aqueous soluble packaging to produce a delayed release of the package contents rather than altering the composition within the aqueous soluble as in the present invention. The Applicant's aqueous sensitive package dissolves quickly on contact with water and does not require the presence of an external agent, such as detergent, in order to break it down as required in Bone. Because Bone works only if used with a separate detergent composition,

cost and user complexity is increased relative to that of the Applicant's composition which provides a single, one-step cleaning or washing product.

Smith's Substantially Anhydrous Composition Is Not a True Aqueous Composition and Does Not Include a Gelling Agent or an Emulsifying Agent for the Mineral Oil

Smith discloses a dishwashing composition in a water soluble package. The composition is in the form of a substantially anhydrous gel, liquid or paste (see para. 0013) and may include a water sensitive component such as bleach. See para. 0016. The present invention differs from Smith in that the present invention contains no water and is truly non-aqueous, using the carrier agent in the form of the mineral oil as the bulk component of the composition. If any water is present in the present invention, the composition of the present invention simply would not work and would start to dissolve the water soluble sachet or activate the aqueous sensitive component.

Smith does disclose the presence of particulate bleach suspensions, but does so in the context of a non-aqueous liquid carrier and not a gel as in the present invention. See para. 0016. New independent Claim 27 claims the aqueous sensitive component is a particulate bleach product and the composition is a non-aqueous gel.

Although the Examiner considers Smith's use of organic polymers as gelling agents, Smith states these polymers are provided for the purpose of anti-redepositions and soil release. See para. 0067. Furthermore, the polymers are water soluble polymers and not oil soluble. The amounts in which these polymers are used in Smith would not be sufficient for the same to act as gelling agents to form a non-aqueous gel as in the present invention.

Last, Smith discloses the use of paraffin as a corrosion inhibitor (para. 0069). This is not a mineral oil being used in an amount sufficient to act as a non-aqueous carrier of the aqueous sensitive component and an emulsifying agent for the removal of the mineral oil. As disclosed on

page 6, paragraph 3, of the present application, the use of the mineral oil to stabilize the water sensitive component in combination with the mineral oil for removing mineral oil in the cleaning process provides an unexpected and non-obvious technical effect. Smith does not disclose, suggest or teach the use of the mineral oil and emulsifier as in the present invention and does not provide any teaching or suggestion as to the problem of using an oil in a cleaning process or of the unexpected advantage of using an emulsifying agent to disperse the oil thereafter. Smith's use of non-ionic surfactants is for the purpose of sud suppression and not as an emulsifier for the mineral oil. See *e.g.* para. 0051.

Combining Smith with MacQueen also does not result in the present invention. MacQueen discloses the provision of a tertiary amide terminated polyamide which can be blended with a hydrocarbon to form a transparent composition having a gel consistency. Therefore, Smith in combination with MacQueen does not disclose, suggest or teach the use of a mineral oil in a non-aqueous gel composition for stabilizing an aqueous sensitive component or use of an emulsifying agent in combination with the mineral oil.

Conclusion

Independent Claims 1, 18 and 27 are not anticipated by Bone nor rendered obvious by Smith. Bone fails to disclose a true non-aqueous composition because Bone's liquid composition includes water. Bone also fails to disclose a gelling agent but rather includes short chain alcohols to lower the viscosity. Furthermore, Bone fails to disclose an emulsifying agent for the mineral oil. Smith, like Bone, fails to disclose a true non-aqueous composition because Smith's composition includes water. Smith also fails to disclose the use of bleach particulates in a gel composition, a gelling agent, a mineral oil acting as a non-aqueous carrier, and an emulsifier for the mineral. Because Claims

2-15 and 25-26 depend from Claim 1 and include all of its limitations, these claims should be allowed. Because Claim 19 depends from Claim 18, this claim should also be allowed.

A serious effort has been made to respond to the Examiner's rejections and place the application in condition for allowance. If any other amendments are necessary to place the application in condition for a Notice of Allowance, Examiner Douyon is invited to call the undersigned at the below noted telephone number so that any remaining issues can be handled in a telephone interview.

Enclosed is a Petition and Fee for a One-Month Extension of Time. Please charge Deposit Account No. 50-1971 the amount of \$65.00 to cover this extension of time fee. Further, charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 50-1971.

Respectfully submitted,



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